

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 2449 OF 2022**

Prabhakar Shrirang Jagdal And Anr. ...Petitioners  
Versus  
Sarika Prabhakar Jagdale And Ors. ...Respondents

....

Mr. A.S. Rao, Advocate for the Petitioner.

Mr. Arfan Sait, APP for the Respondent – State.

**CORAM : PRAKASH D. NAIK, J.**  
**DATE : 20<sup>th</sup> JULY, 2022.**

**PER COURT:**

1. According to Petitioner, there were certain conversation between him and Respondent No.1 on cell phone. The said conversation as recorded by Petitioner No.1 on his cell phone and he prepared C.D. of recording. The Petitioners preferred an application below Exhibit-30 requesting trial Court to take C.D. on record and to hear conversation between Petitioner No.1 and Respondent No.1. The said application is rejected by order dated 7<sup>th</sup> April, 2022. The Petitioner has challenged the said order. The application preferred by the petitioner for taking the C.D. of recording and conversation as evidence on record has been rejected by the learned Magistrate vide order dated 7<sup>th</sup> April, 2022.

2. Vide order dated 7<sup>th</sup> April, 2022, the learned Magistrate had observed that, the recording contained in compact disc is not placed as per provisions of Section 65-B of the Indian Evidence

Act. The Petitioners have not followed principles for proving electronic evidence on record. It is the responsibility of petitioners to prove the recorded conversation as per law. Unless it is placed on record under provisions of law, it cannot be played in Court and considered as evidence. The application was disposed of.

3. Learned counsel for the Petitioners submits that the Petitioner may be permitted to prefer the application in consonance with the observations of the trial Court appearing in order dated 7<sup>th</sup> April, 2022.

4. In the event, the Petitioners place on record the alleged C.D. in compliance of provisions of law as observed by trial Court in its order dated 7<sup>th</sup> April, 2022 and prefers such application, the learned Magistrate may decide such application in accordance with law.

5. Petition stands disposed of.

**(PRAKASH D. NAIK, J.)**